

REMARKS

Claim 7 is currently being amended to fix an unintentional typographical error relating to formula (I), and the previously recited X₂ substituent. Accordingly, Applicant has amended claim 7 to fix this unintentional error, and to conform the transition metal compound of formula (I) found in claim 7 to that which is recited in currently pending claim 1, and which is referred to in Applicant's specification.

These amendments do not introduce new matter within the meaning of 35 U.S.C. §132. As such, the Examiner is respectfully requested to enter this amendment.

SUMMARY OF RESTRICTION REQUIREMENT

Invention Groups. The Examiner has required restriction of claims 1-4, 6-7, and 11-16 to a single invention under 37 C.F.R. 1.499. As the basis for this restriction requirement, the Official Action states the following:

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-4, 6, and 15-16, drawn to a catalyst composition.

Group II, claim(s) 7 and 14, drawn to a transition metal complex.

Group III, claim(s) 11-13, drawn to a ligand compound.

The inventions listed as Groups I-III do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: Group III and the rest of the groups does not share a common feature since the neutral ligand compound no longer exists in the metal complex; and Group I and II does not share a common feature since the transition metal complex no longer exist in the catalyst composition since the transition metal complex reacted with the cocatalyst in the catalyst composition.

This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

various metallocene complexes defined by different "Y" bridges and transition metal "M", various ligand compounds defined by different "Y" bridges.

Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added.

An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

The claims are deemed to correspond to the species listed above in the following manner:

Various metal complexes are disclosed in claims 1-4, 6-7, and 14-16; and various ligand compound are disclosed in claims 11-13.

The following claim(s) are generic: None.

The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: Pursuant to PCT Rule 13.2 and PCT Administrative Instructions, Annex B, Part 1(f)(I)(B)(2), the species are not art recognized equivalents.

PROVISIONAL ELECTION

Applicant provisionally elects Group II. Claims 7 and 14 are readable on the elected invention.

Additionally, with respect to the election requirement, Applicant elects N-(2,6-diisopropylphenyl)-N'-[[[(2,6-diisopropylphenyl)imino]benzyl]-phenylamino]benzamidinenickel(II) dibromide, which corresponds to formula (C1) in Applicant's specification.

TRAVERSAL

Applicants respectfully traverse the Examiner's restriction requirement.

In particular, Applicant traverses the Examiner's contention that pending claims 1-4, 6-7, and 11-16 lack a single inventive

concept under PCT Rule 13.1.

In fact, claims 1-4, 6-7, and 11-16 each comprise the currently claimed novel and inventive ligand system of formula (II), in part or full. Accordingly, Applicant respectfully believes claims 1-4, 6-7, and 11-16 satisfy PCT Rule 13.1 and 13.2.

Additionally, Applicant respectfully traverses the Examiner's contention that,

Pursuant to PCT Rule 13.2 and PCT Administrative Instructions, Annex B, Part 1(f)(I)(B)(2), the species are not art recognized equivalents.

As outlined supra, currently pending claims 1-4, 6-7, and 11-16 all comprise, in part or full, Applicant's currently claimed novel and inventive ligand system. Accordingly, Applicant traverses the Examiner's reliance on PCT Administrative Instructions, Annex B, Part 1(f)(I)(B)(2) given a common structure is present in claims 1-4, 6-7, and 11-16. See PCT Administrative Instructions, Annex B, Part (f)(i)(B)(1) and (f)(ii).

In view of the foregoing, Applicant respectfully requests the Examiner to reconsider and withdraw the restriction requirement, and to examine all of the claims pending in this application.

If the Examiner has any questions or comments regarding this matter, she is welcomed to contact the undersigned practitioner at the below-listed number and address.

Serial No.: 10/573,228

Respectfully submitted,

By: William A. Reid
Jarrod N. Raphael
Registration No. 55,566
William R. Reid
Registration No. 47,894
Customer No. 34872

Date: May 24, 2007
Basell USA Inc.
912 Appleton Road
Elkton, MD 21921
Telephone No.: 410-996-1750
Fax No.: 410-996-1560

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on May 24, 2007.

William A. Reid
Signature

May 24 2007
Date



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Exhibit F

LU 6134

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/573,228	03/24/2006	Benno Bildstein	090860023908	5031

23416 7590 04/24/2007
CONNOLLY BOVE LODGE & HUTZ, LLP
P O BOX 2207
WILMINGTON, DE 19899

JNR

EXAMINER

LU, C CADXA

ART UNIT	PAPER NUMBER
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1713

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
31 DAYS	04/24/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Due: 5/24/07

e-m
Kirsten

Office Action Summary	Application No.		Applicant(s)	
	10/573,228		BILDSTEIN, BENNO	
	Examiner		Art Unit	
	Caixia Lu		1713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6, 7 and 11-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-4, 6, 7 and 11-16 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Election/Restrictions

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-4, 6, and 15-16, drawn to a catalyst composition.

Group II, claim(s) 7 and 14, drawn to a transition metal complex.

Group III, claim(s) 11-13, drawn to a ligand compound.

2. The inventions listed as Groups I-III do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: Group III and the rest of the groups does not share a common feature since the neutral ligand compound no longer exists in the metal complex; and Group I and II does not share a common feature since the transition metal complex no longer exist in the catalyst composition since the transition metal complex reacted with the cocatalyst in the catalyst composition.

3. This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

various metallocene complexes defined by different "Y" bridges and transition metal "M", various ligand compounds defined by different "Y" bridges.

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must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

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4. The claims are deemed to correspond to the species listed above in the following manner:

Various metal complexes are disclosed in claims 1-4, 6-7, and 14-16; and various ligand compound are disclosed in claims 11-13.

The following claim(s) are generic: None.

5. The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: Pursuant to PCT Rule 13.2 and PCT Administrative Instructions, Annex B, Part 1(f)(I)(B)(2), the species are not art recognized equivalents.

6. A telephone call was made to Attorney William Reid on April 9, 2007 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species which is defined by a specified structure or invention

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to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Caixia Lu whose telephone number is (571) 272-1106. The examiner can normally be reached on 9:00 a.m. to 5:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu can be reached on (571) 272-1114. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Caixia Lu
Primary Examiner

A handwritten signature in black ink, appearing to read 'Caixia Lu', is positioned below the printed name and title.